

VZCZCXYZ0004
RR RUEHWEB

DE RUEHGV #0107/01 0351649
ZNY CCCCC ZZH
R 041649Z FEB 08
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 6026
INFO RUEHZJ/HUMAN RIGHTS COUNCIL COLLECTIVE
RUCNDT/USMISSION USUN NEW YORK 2630

C O N F I D E N T I A L GENEVA 000107

SIPDIS

SIPDIS

E.O. 12958: DECL: 02/04/2018
TAGS: [PHUM](#) [UNHRC](#)
SUBJECT: UNIVERSAL PERIODIC REVIEW: AN INSTRUMENT TO
PROMOTE USG HUMAN RIGHTS GOALS

REF: A. A) GENEVA 96
[1](#)B. B) 07 GENEVA 2541

Classified By: Ambassador Warren W. Tichenor. Reasons: 1.4 (b/d).

[1](#)1. (C) SUMMARY: Universal Periodic Review, a new UN human rights mechanism, remains untested but could prove a useful instrument for promoting USG human rights goals. There is general consensus that it should proceed in a cooperative not confrontational spirit, and we are likely to get more traction if we maintain that approach. That will not preclude using UPR to shed light on countries' human rights problems, however, both by posing questions about how a country addresses key human rights issues and by discreetly urging NGOs to provide input to the process. Using our interventions during reviews to suggest our own best practices can also be useful. In addition, we should publicize those outcomes of reviews that we see as valid to reinforce the message that our concerns about a country's behavior are widely shared by the international community. UPR is certain to evolve, possibly creating new opportunities for us to use it to promote our views, but this cable offers some initial ideas for Department consideration. END SUMMARY.

[1](#)2. (U) The Human Rights Council is gearing up to begin country reviews under the Universal Periodic Review, the newest mechanism in the UN's human rights toolkit. Although there is some possibility of delay (ref A), the first tranche of reviews remains scheduled for April 7-18 at the Council in Geneva. Work is underway on all three of the documents that are to be submitted as an initial part of each review: the concerned country's own national human rights report (20-page maximum), a summary by the Office of the High Commissioner of Human Rights (OHCHR) of information from treaty body reports, special procedures and other official UN documents (10-page maximum), and a summary of information from other stakeholders, including NGOs (10-page maximum), which OHCHR hopes to post on its website for the first tranche of countries on February 25 in its original language, with translations to be posted as they are completed. A second part of the process will occur when the Council meets for an interactive dialogue, in which Council members and observer states (but not NGOs) can take part. A written report of the session will then be presented to the Council for formal adoption. Much remains unclear about this final phase of the process, including review of implementation. (Ref B lays out UPR's overall workings in greater detail.)

A "COOPERATIVE" MECHANISM

[1](#)3. (SBU) When UPR was taking shape, the U.S. joined with many other countries in encouraging that it be a cooperative not confrontational mechanism, and that position won out. That does not mean downplaying countries' human rights shortcomings, but is generally interpreted among those

involved in the process in Geneva as meaning an emphasis on constructive ways to address such shortcomings rather than on "naming and shaming." We believe that using that approach will gain more traction during UPR reviews, and need not come at the expense of stressing a country's human rights problems. Some countries will chafe at having their human rights records scrutinized, including through the kinds of questions that can be posed "constructively" during reviews. Others are likely to see UPR as a chance to demonstrate their commitment to improving their records, and our cooperative approach, including mention of best practices, is likely to encourage that.

¶4. (SBU) Indeed, it is these "middle tier" countries, rather than the worst violators, who might be most influenced by UPR. The process seems particularly well suited to those countries willing to make a good faith effort to identify and understand their strengths and weaknesses and then to work cooperatively with others to improve in key areas. Likewise, UPR may prove particularly valuable in helping the international community focus its human rights assistance efforts, to the extent that the final reports accurately highlight areas where assistance is needed, and help identify areas where assistance would be duplicative.

INFLUENCING INPUTS

¶5. (SBU) U.S. Human Rights Reports and similar documents offer a treasure-trove of information on countries' human rights records for potential use during UPR. Although there appears to be no formal mechanism for us to provide these as input for UPR's three initial reports, we can bring them to the attention of OHCHR, troika members and other key players in Geneva ahead of each review, highlighting how helpful they

can prove in examining countries' human rights behavior.

¶6. (C) NGOs are among the institutions that can provide formal input, which is to be included in the summary of stakeholders' information. Several international NGOs already have provided their own input for the first and even second tranche of reviews, and have been encouraging their smaller national partners to do so as well. The USG, including our diplomatic posts, also could bring UPR to the attention of NGOs that we think provide a good perspective on a country's situation, encouraging them to take advantage of the opportunity to help shape how that country is characterized during the process. Some deadlines have passed, but submissions for half the countries in the second tranche (Switzerland, Pakistan, Zambia, Japan, Ukraine, Sri Lanka, France, Tonga, Romania and Mali) can still be made, with a February 8 deadline; timing for the third tranche has yet to be determined.

POSING TOUGH QUESTIONS

¶7. (C) A centerpiece of each review will be the three-hour interactive dialogue, which is to be webcast. No standard set of questions is anticipated for this session, but participating delegations will be able to pose questions. Singling out a few countries for particularly tough questioning might be seen as engaging in "naming and shaming," several like-minded delegations have told us. They are considering posing the same question to each country under review, thus ensuring that the issue gets the spotlight and forcing those who violate a particular aspect of human rights to answer for it, but not singling out any country for particular scrutiny. Discreet agreement among like-minded states to coordinate their questions -- one raising rule of law, another asking about religious freedom, etc. -- would ensure that all key issues are addressed in each review, and make human rights violators aware that they will not be able to avoid a particular issue.

HIGHLIGHTING BEST PRACTICES

¶8. (C) In its own interventions during the interactive dialogue, and possibly when implementation of UPR recommendations comes under review, the USG can place particular focus on our own best practices. Doing so will be in the spirit of UPR, can highlight the differences between our own behavior and that of significant violators, and may encourage those serious about addressing their own human rights shortcomings to try new approaches. Focusing our attention on best practices the U.S. has developed in a few key areas, involving both laws and practice, might be a good way to start.

PUBLICIZING UPR REPORTS AND RECOMMENDATIONS

¶9. (C) The nature of the assessments and recommendations contained in the "outcome documents" of the UPR process remain to be determined. Depending on how the process plays out, they could include, in addition to requests for technical assistance, both hard-hitting judgments and "free passes," and may range from very general assessments to detailed recommendations. Nonetheless, we believe that the USG will be able to highlight key aspects of the report in order to show the international community's concern with particular issues.

TICHENOR